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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,095	02/26/2002	John Carberry	26308.01	8112

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KNOXVILLE, TN 37950-1295

EXAMINER

AMARI, ALESSANDRO V

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,095

Applicant(s)

CARBERRY ET AL

Examiner

Alessandro V. Amari

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Prucnal US Patent 5,060,305.

In regard to claims 1, 8, 9 and 14, Prucnal discloses (see Figure 1) an apparatus for switching a plurality of optical paths, said apparatus comprising a first splitter (22) having an input being a primary optical signal; a second splitter (24) having an input being a secondary optical signal; an analog selection circuit (10) having a first input from said first splitter and a second input from said second splitter, said analog selection circuit including a timing circuit responsive to said primary optical signal, and a deselect circuit responsive to said timing signal, said timing circuit initiated by receiving a valid primary optical signal, said timing circuit outputting a timing signal to said deselect circuit after a selected period in which said valid primary optical signal is present; and an optical switch (12) having a first switch input from said first splitter and a second switch input from said second splitter, said switch responsive to said analog selection circuit, which causes said optical switch to route said primary optical signal to an output of said optical switch upon receiving said timing signal as described in column 3, lines 16-68, column 4, lines 1-68 and column 5, lines 1-5.

Regarding claims 2 and 3, Prucnal discloses that said timing circuit outputs a timing signal to said deselect circuit after a selected period in which said valid primary optical signal is present, said deselect circuit causes said optical switch to route said primary optical signal to an output of said optical switch on receiving said timing signal as described in column 3, lines 16-68, column 4, lines 1-68 and column 5, lines 1-5.

Regarding claims 4, 10 and 12, Prucnal discloses a network including a resistor and a capacitor having a charging time defining a selected period before said primary optical signal is routed through said optical switch. Although the prior art does not specifically disclose the claimed resistor and capacitor network, this is seen to be an inherent teaching of that device since a timing circuit is disclosed and it is apparent that some that of resistor-capacitor network must be present for the switch to function as intended.

Regarding claims 5 and 13, Prucnal discloses said deselect circuit includes a network including a Schmitt trigger (50, 48) and a diode, said network causing said optical switch to route said primary optical signal upon actuation of said network by a timing signal from said timing circuit as shown in Figure 1 and as described in as described in column 3, lines 16-68 and column 4, lines 1-68.

Regarding claims 6 and 11, Prucnal discloses said analog selection circuit is responsive to an optical signal strength of said primary optical signal and is responsive to an optical signal strength of said secondary optical signal as described in column 3, lines 16-68, column 4, lines 1-68 and column 5, lines 1-5.

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Regarding claim 7, Prucnal discloses said analog selection circuit includes a means for routing said secondary optical signal after said primary optical signal becomes invalid a means for determining whether said primary optical signal has been valid for a selected period and a means for deselecting said secondary optical signal and routing said primary optical signal through said optical switch as described in column 3, lines 16-68, column 4, lines 1-68 and column 5, lines 1-5.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (703) 306-0533. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (703) 305-0024. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

ava *ava*
August 11, 2003


MARK A. ROBINSON
PRIMARY EXAMINER